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Chairman: Mr. LEHMANN (Denmark)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 140: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued) (A/50/368 and Add.1)

1. Mr. CHOE Tong U (Democratic People's Republic of Korea) said that it was the common desire of the peoples of the world to establish a new equitable and democratic international order that would reflect the situation prevailing since the end of the Cold War. That required the progressive development and codification of international law as a guarantee of international peace and security. For that reason, the General Assembly had declared the period 1991-1999 as the United Nations Decade of International Law. In addition, the United Nations Congress on Public International Law held in March 1995 had done a great deal to promote acceptance and observance of the principles of international law.

2. The kind of international relations that the world's peoples aspired to were relations based on respect for sovereignty, territorial integrity, non-interference in internal affairs, mutual benefit and peaceful coexistence. If State sovereignty was not duly respected in any new international laws and if discriminatory norms were adopted, the progressive development of international society would be hampered. No country should enjoy privilege when it came to the observance of international law, and consequently there could never be any justification for arbitrariness by the great Powers in contravention of international law. When States and international organizations failed to comply with obligations under international law, they infringed upon the sovereignty and interests of other States, inevitably giving rise to controversies.

3. His Government attached great importance to improving the level of the teaching of international law in universities and developing research in the field as well as organizing seminars and lectures by experts with a view to disseminating international law.

4. Mr. SIDI-ABED (Algeria) said that it was the responsibility of all States and of all those active in international life to further the goals of the United Nations Decade of International Law, as a way of realizing the purposes of the law and establishing ways of strengthening its primacy in a world where the objective was coexistence and a prospect of peace and equitable well-being.

5. Accordingly, the General Assembly, at the initiative of the non-aligned countries, had adopted resolution 44/23 on 27 November 1989, declaring the period 1991-1999 as the United Nations Decade of International Law. The Decade offered the appropriate framework for promoting the acceptance and observance of the principles of international law with a view to achieving the objectives of the Charter, the idea being especially to usher in a new era free of ideological rivalries.

6. The United Nations was the proper forum for encouraging the progressive development and codification of international law, which would serve to consolidate ways and means of settling disputes among States peacefully. The

concept was gradually taking hold in international relations that it was necessary to encourage the progressive development and codification of international law even though there was reluctance in some quarters to adapt the law to real conditions. Nevertheless, in order to give the process a new impetus, the international community must help the developing countries participate effectively and take account of their areas of interest when codifying international law. International law had to be universally applicable, because the enforcement of discriminatory norms was extremely dangerous.

7. In view of the current international political situation, the hope was that there would be frequent recourse to the International Court of Justice. Closer international cooperation on behalf of peace, development and the peaceful settlement of disputes would necessarily involve the participation of the International Court of Justice, which would have to have greater human and material resources.

8. The convening of the United Nations Congress on Public International Law was an important addition to the programme of the United Nations Decade of International Law. All delegations should also give careful thought to the proposal of the Russian Federation to hold a third international peace conference in 1999, which would coincide with the end of the Decade.

9. Mr. PHILIPPOU (Cyprus) said that the major problems faced by the international community were often due not to a lack of laws and principles but to the failure to recognize the existence of the laws and to the inadequacy of implementation mechanisms. In general, the smallest and weakest States were those that relied more on the law than on power in defending their sovereignty, independence and territorial integrity and protecting their policies in the international field. Cyprus was one of the countries more guided by international law. In its 35 years of existence as an independent State, Cyprus had participated constructively in major lawmaking conferences and made its contribution to the development of dispute settlement procedures and the adoption of important legal texts. Moreover, Cyprus was a party to most of the international and regional conventions for the protection of human rights. It had accepted the jurisdiction of the International Court of Justice and had declared its willingness to have that United Nations body rule on the legal aspects of the question of Cyprus. If international law had been applied, the Cyprus problem would not have arisen. If international law were to be applied, the problem would be resolved to the satisfaction of all the parties concerned, and that would be in the interests of peace in the region.

10. The purpose of the Decade of International Law was to enhance, solidify and popularize international law. During the Decade, the annual meetings of the legal advisers of foreign ministries, which were a forum for dealing with issues of mutual concern, had been institutionalized. Moreover, the representatives of the member States of the Asian-African Legal Consultative Committee had held meetings in New York, coinciding with the Sixth Committee debate on the report of the International Law Commission. As a contribution to the Decade, the Commission had agreed to publish a volume entitled "International Law on the Eve of the Twenty-First Century", containing articles contributed by virtually all the members of the Commission. The Commission had already contributed

substantially to the Decade, as evidenced by its work on the draft Code of Crimes against the Peace and Security of Mankind, the law of the non-navigational uses of international watercourses, State responsibility, and international liability for injurious consequences arising out of acts not prohibited by international law. Also worth noting was the proposal to revise the Hague conventions on the pacific settlement of international disputes in order to adapt them to the needs of the twenty-first century.

11. Mrs. FLORES (Uruguay) said that respect for the norms of international law was part of Uruguay's tradition. The promotion and development of that law were the responsibility of all States since they facilitated harmonious coexistence among the members of the international community. For that reason, one of the purposes of the United Nations Decade of International Law was the promotion of means and methods for the peaceful settlement of disputes between States. Promotion of the acceptance of and respect for the principles of international law should be achieved through greater participation in the process of multilateral treaty-making and the application of the norms contained in instruments of international law.

12. The promotion of means and methods for the peaceful settlement of disputes between States was also part of Uruguay's tradition. Provision had been made for setting up a dispute settlement system within the framework of the Common Market of the Southern Cone (MERCOSUR). With regard to the use of non-jurisdictional and jurisdictional means for the peaceful settlement of disputes and, in particular, resort to the International Court of Justice, Uruguay had been the first State to recognize the compulsory jurisdiction of the Permanent Court of International Justice and the International Court of Justice.

13. It would be useful to have a universal convention applicable in cases where the legal instruments did not envisage recourse to any mechanism for the peaceful settlement of disputes. Her delegation supported the suggestion that the Secretary-General should be empowered to request advisory opinions from the International Court of Justice.

14. With regard to the purpose of the Decade concerning encouragement of the progressive development of international law and its codification, she noted the importance of the regional and interregional mechanisms of cooperation for the peaceful uses of outer space which were mentioned in General Assembly resolution 49/34. For that reason in 1996 Uruguay would hold the third Space Conference of the Americas, which would continue the efforts begun in Costa Rica in 1990 and in Santiago, Chile, in 1992.

15. It was becoming increasingly clear that another of the goals of the Decade must be achieved, namely encouragement of the teaching, study, dissemination and wider appreciation of international law. Also of great importance was the updating of the publication Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1949-1991) to cover the period 1992-1995; that publication should be translated into Spanish.

16. Her delegation welcomed the proposal of the Russian Federation with regard to the commemoration of the hundredth anniversary of the first International

Peace Conference, held in The Hague in 1899 and felt that the proposal should be given further consideration.

17. Mr. SYARGEEU (Belarus) said that he supported the main purposes of the Decade, set forth in General Assembly resolution 44/23 of 17 November 1989. By promoting acceptance of and respect for the principles of international law, the Decade would become a visible milestone in the recognition of international law as one of the most important institutions of mankind.

18. The current session of the General Assembly had made it possible to see how the international community had attempted to concentrate on means for carrying out the programme for the Decade in a concrete and practical manner. Of particular importance in that regard was the United Nations Congress on Public International Law, which had made a major contribution to enhancement of the authority of international law. He requested the Secretariat to do everything in its power to ensure that the rich theoretical and practical material presented at that Congress was made available to Member States as quickly as possible and, in that context, he took note of the report of the United Nations Legal Counsel with regard to the publication of the acts of the Congress.

19. As an example of its active participation in the programme of the Decade, he said that during the preceding year Belarus had acceded to many international treaties, including the Universal Copyright Convention, the Convention concerning the Abolition of Forced Labour, and the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

20. One of the most important steps taken by Belarus had been the promulgation on 15 March 1994 of a new Constitution, which provided a solid foundation for the creation of a State subject to the rule of law. Article 8 of the Constitution established the primacy of the globally recognized principles of international law, on which the foreign policy of Belarus was also based. The network of public and private educational institutions in which international law was taught had also been extended.

21. Belarus noted with satisfaction the steps taken by the Secretariat towards the creation of an electronic database for international treaties and hoped that it would soon be accessible. It was also important to give all possible support to the advisory services system set up by the International Committee of the Red Cross (ICRC) and to the preparation of a manual on the legal aspects of armed conflict.

22. He also welcomed the publication and dissemination by the United Nations Educational, Scientific and Cultural Organization of the text of the Convention for the Protection of Cultural Property in the Event of Armed Conflict. That problem was of primary importance for Belarus, which had had direct experience of it. It was important to establish severe penalties for the illegal export of cultural property and compensatory mechanisms for the damage caused by such activity.

23. Belarus supported the steps taken by the United Nations International Drug Control Programme with a view to publishing the national legislation promulgated

in that field. Owing to its situation as a transit State, Belarus realized the importance of the battle against the illegal traffic in narcotic drugs.

24. He reiterated his appreciation to the United States of America for its programme of legal assistance to the countries of Eastern Europe and the Commonwealth of Independent States and expressed the hope that Belarus would participate more actively in that programme.

25. One of the priorities of the future programme for the Decade should be the preparation of a series of legal instruments on the peaceful settlement of disputes between States. In that regard, Belarus supported the initiative of the Russian Federation for the organization of a third international peace conference in 1999.

26. Mr. STEPANOV (Ukraine) said that the programme for the Decade was one of the most important factors in promoting the role of international law. The entire programme for the Decade should be aimed at a genuine democratization of international relations based on law through the creation of an atmosphere in which all States observed such fundamental principles as respect for the sovereignty, independence and territorial integrity of States, inviolability of borders, peaceful settlement of international disputes and observance of human rights and fundamental freedoms.

27. Since the declaration of Ukraine's independence, one of the priority aspects of its foreign policy had been to develop the legal basis of international relations, at both the multilateral and the bilateral levels. In 1994, Ukraine had concluded over 100 international treaties. Among the treaties elaborated under United Nations auspices he emphasized the importance of the Convention on the Safety of United Nations and Associated Personnel; with regard to the specialized agencies, Ukraine had acceded to the Berne Convention for the Protection of Literary and Artistic Works and to several Universal Postal Union conventions.

28. On 9 November 1995, Ukraine had become a full member of the Council of Europe and had consequently become committed to fulfilling certain obligations proceeding from the Council's legal instruments and treaties. Ukraine had signed the European Convention for the Protection of Human Rights and was gradually taking steps to participate in other conventions and protocols drawn up by the Council of Europe.

29. Ukraine accorded special importance to the United Nations Congress on Public International Law, held for the first time in 1995. At the Congress, considerable attention had been paid to the question of finding legal means of dispute settlement, safeguarding the sovereignty and territorial integrity of States, and protecting human rights. The deliberations of the Congress showed that, despite existing instances of violations, international law provided a proper basis for regulating international relations in various spheres.

30. The practical measures taken by Ukraine to comply with the objectives of the programme for the Decade included a ceremony held on 9 October 1995 on the occasion of the declaration of the Year of Law in Ukraine, which had been opened by the President. The number of international law courses offered by

universities had increased and new institutions had been established to train professionals in international relations and international law. The number of applications for admission to the Institute of International Relations had doubled.

31. Mr. GUILLÉN (Peru) said that the rule of law and respect for treaties were matters of principle that currently had a greater practical impact than ever. The pacta sunt servanda principle not only guided Peruvian foreign policy, but also constituted the main element of its international personality.

32. Strengthening the Security Council and the legitimacy of its decisions did not depend solely on increasing its membership, but also on the nature of its decisions. Therefore, such decisions should adhere strictly to law, the only guarantee of civilized international life; that would permit the multilateral system to evolve and improve and enable the United Nations to continue leading mankind towards peace and development, with due respect for the environment.

33. At a time when the United Nations and States were undergoing an intense period of transformation, on which the common destiny of mankind depended, respect for law was the only way of ensuring world-wide stability, legitimacy and development and, hence, peace.

34. Ms. FLORES (Mexico) said that the Decade provided a valuable forum for creating conditions in which justice and respect for the obligations arising out of treaties and other sources of international law could be maintained. That was why Mexico energetically supported the inclusion of that item in the General Assembly's agenda.

35. She noted with satisfaction that 1995 had been a productive year for international law, as reflected in the activities mentioned in the Secretary-General's report (A/50/368).

36. Mexico was also gratified to note that the Secretariat had begun updating the Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1949-1991) (ST/LEG/SER.F/1) and was particularly pleased that the publication was to be translated into all the official languages of the United Nations.

37. The United Nations Congress on Public International Law had been one of the landmark events of recent years and had helped to draw international civil society together to achieve the universal goal of promoting knowledge and understanding of, and adherence to, international law. It was to be hoped that another such event might be held in the future.

38. In 1990, a Mexican committee for the Decade had been established, which participated in organizing conferences and refresher courses and promoted closer contacts between associations dedicated to the study of international law. The Mexican Ministry for Foreign Affairs had organized refresher workshops on public international law which had been very well received, and was currently engaged in consultations with a view to holding such a workshop in New York for the Hispano-Luso-American community, possibly in 1996.

39. She welcomed the convening in October 1995 of the international law congress for Southern Cone countries, at which it had been decided to create the Latin American Association of International Studies, a new institution devoted to the study of international law.

40. Mrs. FERNÁNDEZ de GURMENDI (Argentina) said she applauded the quantity and quality of the activities undertaken in connection with the Decade, and especially the contributions of ICRC with reference to protection of the environment during armed conflict, and other topics.

41. She singled out in particular the United Nations Congress on Public International Law, which had been conducted at a high technical level and had brought together over 1,000 legal experts representing all the legal systems of the world.

42. In the Latin American context, she drew attention to the establishment in October 1995 of the Latin American Association of International Studies. Argentina supported the Mexican proposal concerning the convening of a refresher workshop on international law in New York, in 1996 or 1997, for Spanish- and Portuguese-speaking countries.

43. With regard to national activities, she mentioned the work of the committee on the Decade, composed of civil servants, judges, members of parliament, academics and experts, which promoted the convening of seminars and conferences and the publication of books and articles on international law topics. Prominent among those activities was the establishment of the Dr. José María Ruda award, in tribute to the late Argentinean jurist and former Judge of the International Court of Justice.

44. Mr. HALIM (India) said that India had supported the call of the non-aligned countries for the proclamation of the United Nations Decade of International Law and, as a firm supporter of the maintenance of international peace and security, stressed adherence to the principles of international law, laid down, for example, in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States; international peace and security were closely related to development and disarmament, especially nuclear disarmament.

45. India supported the rule of law in international relations, the progressive development and codification of international law and the strengthening of the relevant institutions and was therefore participating actively in international law-making processes. It was a party to various international treaties such as the Vienna Convention on Diplomatic Relations, several international human rights instruments including the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, the 1949 Geneva Conventions, the Convention on Chemical Weapons and the Vienna Convention for the Protection of the Ozone Layer and its Protocol, and was a founding member of the World Trade Organization. It was also the host State of the African-Asian Legal Consultative Committee. Both the central Government of India and state governments, as well as India's academic institutions, were carrying out a variety of activities for the teaching and dissemination of international law and research on that subject. India, which had participated

actively in the United Nations Congress on Public International Law held in 1995, especially the meetings concerned with the peaceful settlement of disputes, congratulated the organizers of the Congress. It welcomed the computerization scheme for the treaty section.

46. Mrs. ARYSTANBEKOVA (Kazakstan) said that the United Nations Congress on Public International Law, held in 1995 in the context of the United Nations Decade of International Law, in which all the major legal systems of the world had been represented, had served not only to review the most important issues of contemporary international law but also to harmonize positions on the subject. At the same time, it had provided an opportunity for newly independent States to take part in a debate of great interest to them. Thus the Congress had confirmed the value of the initiative of proclaiming the Decade, whose objectives Kazakstan fully supported since it had resolved to base its policy on respect for the principles of international law. For example, the new Constitution of the Republic, adopted on 30 August 1995, provided, inter alia, that international treaties took precedence over domestic law and must be applied directly at the domestic level. It also stipulated that foreign policy must be bound by the principles and norms of international law and must be applied through cooperation.

47. In order to promote that cooperation, Kazakstan had acceded to the major international legal instruments in force. It was a party to the main conventions in the fields of humanitarian law, the law of treaties and environmental law and the conventions on combating illicit drug trafficking, organized crime and terrorism, the 1961 European Convention on International Commercial Arbitration and the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Kazakstan was very interested in further coordinating its activities with the programmes and bodies of the United Nations system, especially in areas to which it attached priority, such as the development of transportation systems, the control of illicit drug trafficking and protection of the environment. In that context, she drew attention to the Nukus Declaration on the sustainable development of the Aral Sea basin, recently adopted by the States of Central Asia in which, inter alia, the signatories requested the specialized agencies of the United Nations to assist States in preparing a draft convention on issues such as joint water use and the harmonization of environmental standards.

48. The diversification of Kazakstan's external relations also required the effective training of skilled personnel in the field of international law and Kazakstan therefore attached great importance to another of the goals of the Decade, namely the teaching, study and dissemination of international law. Many higher educational institutions of Kazakstan were currently providing courses in international law. Many higher educational institutions of Kazakstan were currently providing courses in international law. The State legal institute offered a doctoral programme in international law. United Nations legal publications were invaluable in the context of the efforts to promote the teaching of international law in Kazakstan, which expressed appreciation to the Codification Division of the Office of Legal Affairs for preparing and disseminating those publications, especially the United Nations Juridical Yearbook; it also expressed appreciation for the support received from academic

institutions of France, Turkey, the United Kingdom and the United States of America, and from the Hague Academy of International Law.

AGENDA ITEM 139: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW (A/50/726; A/C.6/50/2)

49. Mr. LAING (Belize) said that there was a close relationship between agenda items 139 and 140. First, in the framework of the United Nations Decade of International Law, many activities had been carried out relating to the teaching, study, dissemination and wider appreciation of international law. Second, because one of the goals of the Decade was to encourage the progressive development of international law and that was also one of the most important aspects of the teaching of international law. In that respect, his delegation believed that in order to promote a wider appreciation of international law, teaching must be based to a greater degree on examples drawn from subregional and national experience. It therefore suggested that the possibility should be considered of including more materials reflecting regional, subregional and local realities in the teaching instruments envisaged in the report on the subject (A/50/726), and that assistance should be provided for the preparation of such materials so as to elicit the interest of students and make international law a living reality. Furthermore, those responsible for organizing the teaching, study and dissemination programmes mentioned in the report should facilitate the establishment of international law associations and similar bodies for study and dissemination and also subregional associations of international law, especially in the developing countries, so as to make up for the absence of resources for establishing national associations.

50. As indicated in the report (A/50/726), the activities that were under way were partly designed to compensate for the lack of international legal advisers in the ministries of foreign affairs and justice of many States. However, because of the scarcity of resources, little had been achieved in that respect. The Organization should actively explore ways of improving that situation. In that respect, Belize suggested that legislators should be encouraged to participate in the programmes described in the report, not only legislators from developing countries, but also, and in particular, legislators from developed countries, since many of them were ignorant about international law or actively disregarded it, and efforts to teach international law to professionals from the developing world would have little success if there were legislators in both developing and developed countries who did not appreciate the importance of international law.

51. International law could be taught and disseminated in other ways than those described in the report (A/50/726). Better use should be made of electronic technologies, and to that end technical assistance would have to be provided to contribute to the development of the infrastructure of countries which had limited electronic communications capabilities. Furthermore, the admirable way in which the Secretary-General infused international law into his speeches and statements was an effective method of gradually making international law the language of international relations; other senior Secretariat officials should follow that example. The publications of the Department of Public Information should include normative information in clear language and the Office of Legal

Affairs could consider the possibility of supporting other divisions and departments in that undertaking.

52. In view of the urgent need to identify and harness vast new resources to carry out the tasks referred to in the report, his delegation reiterated the suggestions made by some delegations that the Security Council might utilize the media, publicity and public relations machinery to complement and in some cases replace more coercive measures of peace enforcement and peacemaking and that the Office of Legal Affairs and the Advisory Committee could give serious consideration to the possibility of applying new methods of teaching and research for the new era. The Committee could assist other Committees, through the international legal system and international law, to provide the necessary framework for a more rational, satisfying and safe life on the planet.

The meeting rose at 12.10 p.m.